



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
097000,330	05/20/98	NAKAMURA	514420-3596

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EXAMINER
DOTE, J

ART UNIT PAPER NUMBER
1753 18

DATE MAILED: 08/16/01

Below is a communication from the EXAMINER in charge of this application
COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection, filing date of the Notice of Appeal
b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 707.07(f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 4/16/01. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search. (see NOTE below);
(b) ☐ they raise the issue of new matter. (see NOTE below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE:

See attachment, paragraph 1.

4. ☐ Applicant's reply has overcome the following rejection(s):
5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attachment, paragraph 2
7. ☒ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 6-15
Claim(s) withdrawn from consideration: _____
9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
11. ☒ Other: Interview Summary of 6/21/01; and attachment.

Janis L. Dote
JANIS L. DOTE
PRIMARY EXAMINER
GROUP 1500
1700

1. The amendment after final rejection filed in Paper No. 17 on Jul. 23, 2001, was not entered because it was improper. The amendment amends claims that are not part of the instant application. The amendment filed after final rejection in Paper No. 14 on Apr. 16, 2001, adding claims 16-25, was not entered. See the Advisory Action form PTOL-303, mailed on May 11, 2001, Paper No. 16, item (3). Thus, claims 16-25 are not part of the application. Claims 6-15 are the pending claims in the application. Applicants cannot amend claims that were never entered in the application.

Applicants are reminded that "when claims are added, they must be numbered by the applicant[s] consecutively beginning with the number next following the highest numbered claim previously presented (whether entered or not)" (emphasis added). 37 CFR 1.126 (effective Dec. 1, 1997); MPEP 608.01(j) (Rev. 1, Feb. 2000).

2. Because the amendment has not been entered, applicants' arguments with respect to the amendment are moot. The prior art rejections stand for the reasons set forth in the final rejection, Paper No. 12, and for the reasons set forth in the Advisory action mailed on May 11, 2001, Paper No. 16, attachment, paragraph 5.

Because the amendment has not been entered, the objections and rejections under 35 USC 112, second and first paragraph, stand for the reasons set forth in the final rejection, Paper No. 12, and in the advisory action mailed on May 11, 2001, Paper No. 16, attachment, paragraph 4. The additional evidence filed with the amendment after final rejection filed in Paper No. 17 on Jul. 23, 2001, has not been considered. See attached form PTOL-303, item (7). The objections and rejections with respect to the intrinsic viscosity and the heat distortion temperature were not issues newly raised in the final rejection. They were previously presented in the Office action mailed in Paper No. 7 on Jun. 4, 1999, and again in the action mailed in Paper No. 10 on Jan. 12, 2000.